

**FARMINGTON CITY
PLANNING COMMISSION MEETING
August 1, 2013**

WORK SESSION

Present: Commissioners Brad Dutson, Brett Anderson, Brigham Mellor, and Mack McDonald, Alternate Commissioner Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Lara Johnson. Chairman Bob Murri, Commissioners Kris Kaufman and Michael Nilson and Alternate Commissioner Nate Creer were excused.

The Commission listened to a training by Chuck Marohn, of StrongTown.org. He provided information regarding the benefits of changing the current pattern of development, which would yield a higher return on investment.

In regards to Item #3, the Proposed Amendment to the Regulating Plan, the Commission reviewed The Haws Company (THC) letter dated August 1, 2013. The email will be included in the Public Hearing for this agenda item.

Due to conflicting schedules, **David Petersen** was not able to reach out to **Brett Anderson** and **Todd Godfrey** to review the wording for agenda item #5, amending Chapter 12 of the Zoning Ordinance with regards to the transfer of development rights. They will review the item together before the next Planning Commission meeting.

REGULAR SESSION

Present: Commissioners Brad Dutson, Brett Anderson, Brigham Mellor, and Mack McDonald, Alternate Commissioner Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Lara Johnson. Chairman Bob Murri, Commissioners Kris Kaufman and Michael Nilson and Alternate Commissioner Nate Creer were excused.

#1 – Minutes

The minutes for the Planning Commission meeting on July 11, 2013 will be presented to the Commission at the following meeting on August 15, 2013.

#2 – City Council Report

Christy Alexander gave an update from the July 16, 2013 City Council meeting. The Council approved the zone change and Schematic Plan for the Chestnut Farms Phase 3 subdivision, the Schematic Plan for the Harv Jeppsen minor subdivision and the plat amendment for the Hidden Meadows Phase 3 subdivision.

ZONING TEXT CHANGES

#3. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 18 of Zoning Ordinance regarding proposed changes to the regulating plan. (ZT-6-13)

David Petersen presented the current regulating plan. He stated he has discussed the proposed regulating plan options previously with the Planning Commission and the property owners of the Class A Business Park and Transportation Mixed Use areas west of I-15. He explained in creating the initial regulating plan, problems arose as all property lines run north to south or east to west, the railroad tracks and I-15 and/or Park Lane run northwest to southeast and/or northeast to southwest. Creating this parallel grid to I-15 and/or Park Lane diagonally cuts across property lines, creating awkwardly shaped parcels. As property owners begin to develop, staff foresees challenges with the current regulating plan.

He explained the new regulating plan attempts to place streets along property lines where possible as is common in other subdivisions elsewhere in the City. Whomever develops first, the developer would be responsible for building half or most of the road based on the functional class. Also, streets will be stubbed in logical locations as to not put the other property owners in a challenging spot for their developments.

David Petersen walked through the proposed regulating plan outlining each proposed road along with each property owner's property lines.

He also stated he would like to include the future zone changes of the property, as it is shown on the current regulating plan, in the amended regulating plan. Due to time constraints, it was not included on the proposed plan for this meeting; staff would like to table this until next meeting so it can be included in the final regulating plan.

Brigham Mellor expressed concerns regarding a steep grade change for roads C-6 and C-5, just west of Park Lane. **David Petersen** said they are still looking into each roads, but as it currently shows, they feel it is feasible.

Brett Anderson wondered why the roads B-5 and B-6, intersecting with A-1, turned slightly at the end. **David Petersen** said it was to ensure the roads it intersects with is at a 90 degree angle.

Brett Anderson opened the Public Hearing at 7:22 p.m.

Christy Alexander provided a letter dated August 1, 2013 received in an email from The Haws Company, who was out of town for the meeting. She briefly summarized the email. The Haws Company is okay with the proposed plan, but would like more flexibility in the future when projects come online.

Mark Evans, 2001 N 1210 W, Pleasant Grove, is a representative for E & H Land. He asked for further clarification on whether the northeast corner of C-5 and C-6 is a fair split on that block. **David Petersen** stated yes, it should be a fair split but as the plan reads, the roads may need to be adjusted slightly to ensure it is fair. **Mark Evans** also wanted to clarify that the roads will be split on the property line. **David Petersen** said yes.

Brigham Mellor requested more information on splitting the road, as sometimes one property owner is ready to develop, but the other is not. **David Petersen** said on a local road the first developer is to do back of curb to back of curb. When the other developer is ready, they are to dedicate an additional 14 feet of land for side treatments. Although it may seem unfair, a developer is required to have a sufficient street for their development.

David Petersen explained some cities have implemented “pioneering agreements,” which allows a city to reimburse the first developer for the second developer’s property in building a new road. Often these agreements are valid for 5-10 years; sometimes property owners may wait until the agreement is no longer in force so they are not required to provide compensation for their portion of the road back to the city.

Brett Anderson ended the Public Hearing at 7:31 p.m. for this meeting, but continued it until the next Planning Commission meeting on August 15, 2013.

Brad Dutson requested more information on the proposed road regarding a specific block on the plan as his understanding was the plan still provides flexibility so why propose one. **David Petersen** stated the block is so large and awkwardly shaped due to the City’s form based codes, but staff assumes there will be a local road in the block somewhere, they are just unsure where.

David Petersen explained the regulating plan does provide flexibility for developers as many things can change based on tenants; this is to just provide the framework and to ensure adjacent property owners are still left in a good situation. He also clarified there are no text changes to the ordinance taking place. The only changes is adopting an amended map as part of the ordinance.

Motion:

Mack McDonald made a motion that the Planning Commission continue this item until all exhibits are included in the amended regulating plan. **Rebecca Wayment** seconded the motion which was unanimously approved.

#4. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance regarding permitted and conditional uses in the BR zone. (ZT-4-13)

Christy Alexander explained the zoning ordinance needs to be updated based on the community’s needs. In reviewing the current ordinance, some current listed uses may not be compatible to maintain the historic feel of Downtown Farmington. In reviewing the list, they also reviewed any uses that would be appropriate to add. Staff discussed the uses with the Historical Preservation Commission, the General Council and the Mayor. All agreed to the proposed amended uses. She summarized the additions and deletions of the uses, as shown in the staff report.

Brett Anderson wondered if the definition of fuel includes propane. If fuel sales are removed from Conditional Uses, but sale of gasoline remains, it may limit the sale of propane. **Christy Alexander** agreed and will amend the wording to show fuel in lieu of gasoline.

Brad Dutson asked for further clarification on Financial Institutions (depository only) as shown under Permitted Uses. **Christy Alexander** explained it is to exclude payday type lenders as a permitted use to maintain the historic feel of the downtown. There are other zones within the City

that allow for such lenders. **Brad Dutson** advised there are many private equity, broker or financial advisors that may be considered a financial institution, but would not have any depository type services. **Christy Alexander** agreed and will amend the language. **Brett Anderson** also suggested that if the depository only wording is still included in the use, to also include that depository services is the institutions' primary purpose.

Rebecca Wayment asked if an auto repair shop would be included as it is not currently listed on either Permitted or Conditional Uses. **Christy Alexander** said since it does not appear on either list, it would not be approved. She continued to explain that any existing business of that nature are grandfathered in.

David Petersen stated the mixed-use element of the ordinance (live/work units or 2nd story apartments) has never been adopted. He proposed that the Commission possibly look at adopting this use. The Commission would like to see an example of language that may be used for this use in an ordinance to ensure it is properly defined and restricted so a place does not become a live/live unit, but can still have the first floor remain a place of business. **David Petersen** will provide more information.

Bob Murri opened the Public Hearing at 7:45 p.m.

Lynn Bradak, 188 E. State St., stated the Commission answered all questions she had regarding the item.

Craig Holmes, 97 N Main St., owns the Precision Windshield located at the provided address. He requested further clarification on a use grandfathered in if he ever chooses to sell his property and business. **Christy Alexander** explained his current use becomes a legal non-conforming use that can also be resold. **David Petersen** also clarified that if a non-conforming use is abandoned for 12 months, then a property owner cannot go back to it. He also stated it may be possible to expand a non-conforming use. For example, sometimes a use may be less impactful. Typically staff determines if a use is more or less impactful. Based on the ordinance, however, some things staff cannot determine. In the event that happens, it is then taken to the Board of Adjustment. **David Petersen** also explained Chapter 5 of the Zoning Ordinance provides written information regarding non-conforming uses. **Craig Holmes** also stated approximately a year ago, he requested a text amendment to include a small U-Haul dealership as a conditional use, which was recommended for approval by the Planning Commission, but denied by the City Council. He would like it to be included on the Permitted Uses now.

Brett Anderson ended the Public Hearing at 7:54 p.m. for this meeting, but continued it until the next Planning Commission meeting on August 15, 2013.

Christy Alexander stated she will review the wording for the Financial Institutions (depository only) use, amend gasoline to fuel, and research wording to provide a mixed-use element to the ordinance.

Mack McDonald would like expanded language regarding the historic nature of the area and that a developer needs to remain consistent with building materials to maintain that historic feel.

Motion:

Mack McDonald made a motion that the Planning Commission continue this item until the August 15, 2013 meeting. **Brigham Mellor** seconded the motion which was unanimously approved.
#5. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 12 of the zoning Ordinance regarding transfer of development rights (TDR). (ZT-2-13)

David Petersen asked that this item be tabled as the correct information regarding the amendments was not included in the staff report.

Brett Anderson opened the Public Hearing at 8:04 p.m.

No comments were received.

Brett Anderson ended the Public Hearing at 8:04 p.m. for this meeting, but continued it until the next Planning Commission meeting on August 15, 2013.

Motion:

Brad Dutson made a motion that the Planning Commission continue this item until the August 15, 2013 meeting. **Rebecca Wayment** seconded the motion which was unanimously approved.

ADJOURNMENT

Motion:

At 8:08 p.m., **Mack McDonald** made a motion to adjourn the meeting which was unanimously approved.



Brett Anderson
Farmington City Planning Commission